

Because of past discriminatory practices most minorities only recently have had opportunities for ownership of television stations.

The irony as an African American that I now face after having been through an extensive legal process to acquire the right to build Channel 14, which includes numerous appeals and challenges at the Federal Communications Commission and before the Federal District of Columbia Court of Appeals, is that after all of these years of going by the established Rules there is no way now of a reasonable certainty of reaching the Channel 14 area viewing audience because of the lack of certainty of being picked up by all of the cable operators in the Channel 14 viewing area.

Even before going on the air, the problem of not having the certainty of reaching the Channel 14 area viewers because of the uncertainty of cable access has had a major impact on our business plan.

Traditional financial sources were not available because of the lack of cable access compounded by the fact of being African American along with the other factors.

We were fortunate to have made the arrangement with Home Shopping Network, Inc., for the capital outlay in building Channel 14 and also the affiliation agreement for the continued operation of Channel 14.

At the time that we were analyzing the possibility of an association with Home Shopping Network, Inc., due consideration was given to the Home Shopping Network programming format and what impact it would have on our perception of what we wanted Channel 14 to be in the Washington, D.C. market.

First of all we viewed the programming as positive insofar as it would not be riddled with violent images of gun battles and knifings. Next the format would allow us adequate time to address the Channel 14 viewers' concerns, in our opinion, in a much more effective way. As an example, Channel 14 can use up to five minutes an hour addressing drug and/or alcohol abuse without first being concerned about offending a sponsor. Next, community concerns can be made in an independent and positive way, not a message like "Just say no to drugs" sandwiched between two programming scenes glamorizing the drug culture.

This affiliation agreement allows us to have a regular daily newscast and other informational programming that we may deem desirable without the economic pressure most start-up stations labor under.

In conclusion, I would like to state that as an African American we have overcome tremendous difficulties in obtaining the construction permit to build Channel 14 in Washington, D.C. We believe it to be unconscionable, after this long and hard struggle, to be denied complete access to our viewing audience because of the lack of access to all of the cable systems in our market area. The only just and equitable solution is very simple, must carry must be a requirement of cable systems operating in every television market.

Thank you again for allowing me to state my views on this very important matter.



## Ponce - Nicasio Broadcasting, Inc.

Carmen Briggs  
President

### STATEMENT OF CARMEN PONCE-NICASIO BRIGGS

Mr. Chairman and members of the Subcommittee, my name is Carmen (Ponce-Nicasio) Briggs and I am the president and owner of Ponce-Nicasio Broadcasting, Inc., the licensee of television station KCMY-TV (Channel 29) Sacramento, California. I am submitting this statement in opposition to the proposed amendment to S. 12 that would deny my station must carry status because it is affiliated with the Home Shopping Network.

I would like to relate to you the success story of KCMY-TV and the role played by HSN in that success.

I define "success" as getting the station constructed and on the air, and retaining 100% of the ownership and control.

Despite lofty public policy endearments whispered seductively in the ears of minorities, and women, concerning "a chance to own a piece of the American communications pie", the facts are clear that being granted a construction permit is one thing, and keeping it, getting licensed, and getting on cable to protect it is another.

Myself, and two other Hispanic women, received the construction permit early 1984. Six hours before the automatic expiration of our construction permit we went on the air August 27, 1990.

The single largest factor keeping us off the air was FINANCE second was programming. The third was cable carriage.

Every time financing was offered, there was always the issue of control and the golden rule. "Those with the gold, rules". These rules always inexorably led to no financing as the "white knight" always demanded an option to purchase equity at a cheap price after a minimum on-the-air-time. We refused to turn our station over.

Affecting financing directly was the cost of programming. In Channel 29's case, it was the seventh commercial station in the market with only old movies, and Gilligans Island available.

Although there was no cable system early on, we were in possession of cable letter reserving Channel 29 for our use when we came on the air. Armed with the Construction Permit, the cable letter, and a four year Home Shopping Club Affiliation Agreement, I was determined, as majority controlling owner, that since the FCC gave our group the CP authority to construct, construct we now could after six years of struggle and strife.

Relying heavily on the contractual income from HSN, my husband and I located a used transmitter, hocked everything we had to borrow here and there; used every credit card cash advance available; obtained some equipment on credit; mortgaged our property to the hilt; and constructed KCMY-TV Channel 29 with our own resources.

On August 27, 1990 at 8:50 p.m., we became BROADCASTERS.

The FCC gave us "life", but HSN programming gave us the "bread" to meet our daily operating expenses allowing us to retain ownership.

Thanks to HSN we are operating in the black, reducing debt and trying to convince newspapers to list us and cable companies to carry us. We feel we are making some progress, but only must carry can really guarantee carriage.

Originally we wanted to do Spanish programming. But as one local cable operator said recently, and understandably, "we have all the Spanish programming we need, and we don't need more Gilligans Island start-up station programming."

Clearly there is confusion there as to how licensees get carried voluntarily, AND STAY CARRIED, under that criteria.

If must-carry, including local stations carrying Home Shopping programming, is not restored, I would recommend abolishing the mandated preference policy as at the "true-hear-of-the-matter" is the public policy favoring women/minority preference which most new start-ups are in that category.

"The-soul-of-the-matter" is cable carriage. Without the second, the first is almost worthless in the 1990's.

I urge the inclusion of all local stations in must-carry legislation, whatever the programming may be, in order to give meaning and purpose to the public policy of ownership, and control, of communications properties by women and minorities.

Meanwhile, I want to take this opportunity to express once again my most sincere appreciation that KCMY-TV had the opportunity to air HSN programming. It was our economic salvation. God Bless the Home Shopping Network.

We are very proud of the HSN-2 programming we offer the community. It serves a real need for a variety of viewers who definitely do not view our station as a 24 hour long commercial. In fact, we get numerous calls when we shut down temporarily for maintenance.

We are very much involved in community and public affairs. In fact, our station voluntarily heavily promoted viewership of KVIE channel 6 (the public station) in their annual fund raising event to keep them on the air. While we urged our viewers to flip to Channel 6 we did so gladly as we feel it is part of our community public interest obligation as an FCC licensee.

Like all other programming out there, beauty is in the eye of the beholder. Some like sit-coms. Some soap operas. Some Home Shopping.

Our niche in the market is Home Shopping and we thank Home Shopping Network for providing it.



**TV-50**

Denver, Colorado

STATEMENT OF  
THERESA E. ROMERO  
PRESIDENT, GOLDEN HILLS BROADCASTING CORPORATION &  
LOMAS DE ORO BROADCASTING CORPORATION  
DENVER, COLORADO  
BEFORE THE  
COMMERCE, SCIENCE AND TECHNOLOGY  
SUBCOMMITTEE ON COMMUNICATIONS  
UNITED STATES SENATE  
JUNE 20, 1991

Mr. Chairman and members of the Senate Subcommittee on Communications. My name is Theresa Romero, I am president and general manager of Golden Hills Broadcasting Corporation and Lomas de Oro Broadcasting Corporation. Golden Hills is the licensee of KSHP-TV, Channel 50 in Denver, Colorado, "the home of the cable industry." KSHP is an affiliate of Home Shopping Network, Inc.

In the face of our long struggle to finance, construct and operate KSHP and K43DK, Golden Hills and Lomas de Oro strongly oppose any amendment to the pending Senate cable bill which would deny KSHP must carry status solely because of its affiliation with HSN. With financing so difficult to obtain, the amendment would prove to be extremely harmful to the continued growth in the number of minority owned television stations and to the survival of those presently on the air. It would pose a grave threat to the survival of KSHP especially since it is the only local full power television station excluded from must carry eligibility. The amendment would do more than prevent viewers from receiving HSN network programming. It also would deprive KSHP's viewers of the public affairs and non-entertainment programs that Golden Hills locally produces to address the unique needs of the Denver area. Therefore, I appeal to the Senate Communications Subcommittee to oppose such an amendment.

Thank you.